



IFW / 1646

PATENT
Customer No. 22,852
Attorney Docket No. 08959.0009-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katsura NOZAWA et al.

Application No.: 10/506,624 ✓

Filing Date: September 3, 2004

For: NOVEL POTASSIUM-DEPENDENT
SODIUM-CALCIUM EXCHANGER

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)
) Group Art Unit: 1646
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) Examiner: Ballard, K.
)
) Confirmation No: 1864
)
)
)

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

JP 9-67336, which is listed on the attached Form PTO/SB/08, was cited in an International Preliminary Examination Report in PCT International Application No. PCT/JP2003/009732. The present application is a national stage application of that PCT application. A copy of a translation of the International Preliminary Examination Report is enclosed.

JP 9-67336 is not in English. "Where the information is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance [under 37 C.F.R. § 1.98(a)(3)] can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." (See MPEP §609 A(3), second paragraph.) Applicants have thus satisfied the requirement for a concise explanation of relevance by enclosing the translation of the International Preliminary Examination Report for PCT/JP2003/009732.

Applicants also point out that JP 9-67336 is a Japanese counterpart of international publication number WO 97/09306, which was cited in an Information Disclosure Statement filed concurrently with the present application.

The International Preliminary Examination Report lists two other documents, WO 02/26980 and Siegl et al. (1984) Proc. Natl. Acad. Sci. USA 81:3238-3242. Those documents were cited in the Information Disclosure Statement filed concurrently with the present application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants

reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 28, 2005

By: *Danielle Pasqualone*
Danielle M. Pasqualone
Reg. No. 43,847

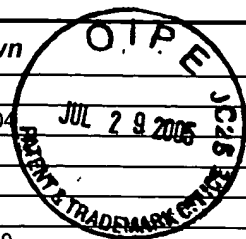
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/506,624
Filing Date	September 3, 2004
First Named Inventor	Katsura Nozawa
Art Unit	1646
Examiner Name	Ballard, K.
Attorney Docket Number	08959.0009-00000

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-			
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		JP 9-67336	03-11-1997	Kanebo, Ltd. et al.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		International Preliminary Examination Report for application PCT/JP2003/009732 filed July 31, 2003.	Y

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.